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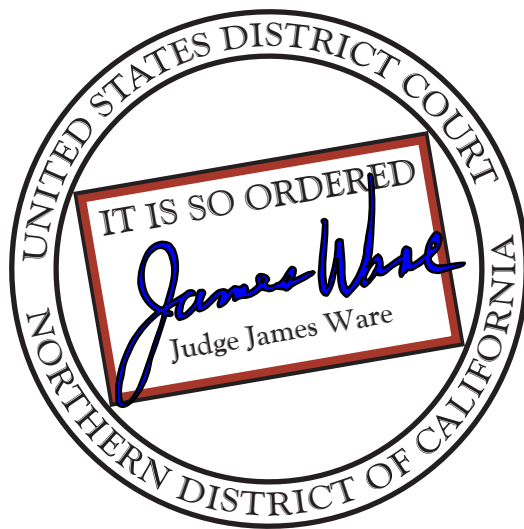
**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

In Re Affymetrix  
Derivative Litigation

This Document Relates To:  
ALL ACTIONS

Case No. C 06-5353 JW

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
RESPONDING TO COMPLAINT**



**STIPULATION**

Whereas, on October 24, 2008 this Court granted in part and denied in part Defendants' motion to dismiss the Verified Second Amended Consolidated Shareholder Derivative Complaint with leave to amend;

Whereas, Defendants currently have until November 7, 2008 to file a responsive pleading;

IT IS HEREBY STIPULATED by and between the undersigned as follows:

Defendants shall have until November 24, 2008 to answer the Verified Second Amended Consolidated Shareholder Derivative Complaint.

Dated: November 7, 2008

DAVIS POLK & WARDWELL

By: /s/ Arthur J. Burke

Arthur J. Burke (229589)  
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Dated: November 7, 2008

DEWEY & LEBOEUF LLP

By: /s/ Peter E. Root

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*Counsel for Individual Defendants*

Dated: November 7, 2008

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*Counsel for Defendant Ronald D. Verdoorn*

1  
2 ----and----

3 Dated: November 7, 2008

SCHIFFRIN BARROWAY  
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12 *Lead Counsel for Lead Plaintiffs*

13 Dated: November 7, 2008

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21 *Lead Counsel for Lead Plaintiffs*

22 ATTESTATION PURSUANT TO GENERAL ORDER 45

23 I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained  
24 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.  
25 Executed on this 7th day of November, 2008, at Menlo Park, California.

26 /s/ Arthur J. Burke  
27 Arthur J. Burke

28 **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: November 20, 2008

  
JUDGE JAMES WARE